

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number:

SWIS No. 43-AN-0008

2. Name and Street Address of Facility:

Kirby Canyon Recycling and Disposal
Facility
910 Scheller Avenue
San Jose, CA 95013

3. Name and Mailing Address of Operator:

Waste Management of California, Inc.
P.O. Box 1870
Morgan Hill, CA 95038

4. Name and Mailing Address of Owner:

Castle & Cooke Development Corporation
P.O. Box 11165
Bakersfield, CA 93389

5. Specifications:

a. Permitted Operations:

☐ Composting Facility
(mixed wastes)☐ Composting Facility
(yard waste)☒ Landfill Disposal Site☐ Material Recovery Facility☐ Processing Facility☐ Transfer Station☐ Transformation Facility☐ Other: _____

b. Permitted Hours of Operation:

Commercial Disposal Operations

Public Disposal Operations

12:00 am to 5:00 pm Monday through Saturday*

7:00 am to 5:00 pm seven days per week

*Operations may be conducted on the Sunday following a major
holiday or special occurrence which occurs on a normal working day

c. Permitted Tons per Operating Day:

Non-Hazardous - General (See Section 14 of Permit)

Non-Hazardous - Sludge

Non-Hazardous - Separated or comingled recyclables

Non-Hazardous - Other (See Section 14 of Permit)

Designated (See Section 14 of Permit)

Hazardous (See Section 14 of Permit)

Total: 2,600 Tons/Day

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1,000 Tons/Day

N/A Tons/Day

N/A Tons/Day

N/A Tons/Day

N/A Tons/Day

d. Permitted Traffic Volume:

Incoming waste materials

Outgoing waste materials (for disposal)

Outgoing materials from material recovery operations

Total: 575 round trips Vehicles/Day

575 Vehicles/Day

N/A Vehicles/Day

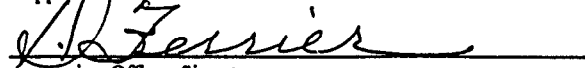
N/A Vehicles/Month

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	827 Acres	311 Acres	N/A	N/A	N/A	N/A
Design Capacity	as of 7/93: 36.4M c.v. (refuse)		N/A	N/A	N/A	N/A
Max. Elevation (Ft. MSL)	1200 ft.					
Max. Depth (Ft. BGS)	N/A					
Estimated Closure Date	2022					

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previous issued solid waste facility permits.

6. Approval:


Approving Officer Signature

Dennis Ferrier, Environmental Specialist, REHS.

Name/Title

7. Enforcement Agency Name and Address:

City of San Jose
Division of Neighborhood Preservation
4 North Second Street, Suite 675
San Jose, California 95113

8. Received by CIWMB:

JUL 19 1993

9. CIWMB Concurrence Date:

AUG 31 1993

10. Permit Review Due Date:

Sept. 3, 1998

11. Permit Issued Date:

SEPT. 3, 1993

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12. Legal Description of Facility (refer to attached Site Vicinity and Site Location Maps, as shown in the RDSI Figures 1-1, 1-2):
Rancho del Refugio de la Laguna Seca, Townships 8 and 9 South, Range 3 East, Mount Diablo Baseline and Meridian. (SEE ATTACHMENT A "Legal Site Description").

13. Findings:

- a. This permit is consistent with the County Solid Waste Management Plan or the County-wide Integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50001. (SEE ATTACHMENT B "Conformance Finding").
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA (The City Of San Jose, Division of Environmental Enforcement) during the inspection of - June 29, 1993.
- d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. (SEE ATTACHMENT C "Fire District Compliance"). San Jose Fire Dept. approval date Nov 13, 1992.
- e. An environmental determination was filed with the State Clearinghouse (SCH # 83052408 for final EIR & SCH # 93033053 for the Neg. Dec.) pursuant to Public Resources Code, Section 21081.6. The environmental documents were filed by the City of San Jose Planning Department and adopted on September 15, 1983 and on April 14, 1993 respectively, (SEE ATTACHMENT D "Environmental Determination").
- f. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.
- g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: The City of San Jose Department of Planning, (SEE ATTACHMENT E "General Plan Conformance Finding"), Public Resources Code, Section 50000.5(a).
- h. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5 (b): City of San Jose Department of Planning. (SEE ATTACHMENT E, "General Plan Conformance Finding").

Prohibitions:

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance and disposal of such waste is authorized by all applicable permits. All non-liquid wastes containing less than 50 percent solids must be handled and disposed as described in a waste management plan approved by the Regional Water Quality Control Board (RWQCB) and Local Enforcement Agency (LEA).

- a. Non-liquid water treatment residue such as solids from screens and settling tanks, and sludge containing at least 20 percent solids.
- b. Non-liquid sewage treatment residue such as solids from screens and grit chambers, and sludge containing at least 20 percent solids.
- c. Wastes, other than water treatment and waste water treatment sludge, containing greater than 50 % solids, which have been approved by the LEA and the RWQCB waste discharge requirements.
- d. Triple rinsed containers in accordance with Title 22, CCR, Section 66261.7.
- e. Manure.
- f. Dead animals or portions thereof, as approved by the LEA.
- g. Ashes from household burning.

The permittee is additionally prohibited from the following items:

- h. Medical wastes as defined in Chapter 6.1, Division 20 of the Health and Safety Code.

The following documents also describe and/or restrict the operation of this facility (insert document date in space):

	Date		Date
[x] Report of Facility Information	<u>7/93.</u>	[x] Preliminary Closure/Post Closure Maintenance Plan	<u>8/90</u>
[x] Periodic Site Review	<u>7/92</u>		
[x] Planned Development Permits:		[x] Closure Financial Responsibility Document	<u>6/93</u>
PD 84-5-55, PDA 84-1-55	<u>9/8/84, 1/31/92</u>		
PD 85-7-57, PDA 85-01-057	<u>9/26/85, 4/22/93</u>	[x] Updated Waste Discharge Requirements Order No. 93-055	<u>6/16/93</u>
PD 89-9-77	<u>2/22/90</u>		
[x] FEIR and Negative Declaration	<u>9/15/83, 4/14/93</u>	[x] Bay Area Air Quality Management District Authority to Construct	<u>3/14/88</u>
FEIR Addendum	<u>2/3/92</u>	Permit to Operate Plant No. 1812	<u>10/6/92</u>
[x] Lease Agreements - owner and operator	<u>12/16/83</u>		
		[x] U.S. Army Corps of Engineers Section 404 Nationwide 26 Permit	<u>11/2/92</u>

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16. Self Monitoring:

- a. Results of all self-monitoring programs will be reported as follows:
(The monitoring reports are delinquent 30 days after the end of the reporting period).

Program	Reporting Frequency	Agency Reported To
Record of receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA <u>at once</u> following receipt of a Notice of Violation or upon receipt of notification of complaints regarding the facility which have been received by other agencies.	As noted	LEA
Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. (Notification to the LEA within one day following the complaint is still required).	As noted	LEA
The quantities and types of hazardous wastes, medical wastes, or otherwise prohibited wastes found in the waste stream and the disposition of these materials.		
All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program. Incidents, as used here, means that the hauler or producer of the prohibited waste is known.		
The types and quantities of decomposable and inert wastes, including separated or commingled recyclables, received <u>each day</u> . The operator shall maintain these records on the facility's premises for a minimum of one year and make them available to any Enforcement Agencies' personnel on request.		
The number of vehicles using the facility per day for public and commercial disposal.		
Reports of all special/unusual occurrences and the operator's actions taken to correct these problems.		
The results of the landfill gas migration control monitoring.		
The results of the leachate monitoring, collection, treatment and disposal program. The operator shall monitor leachate generation as required by the WDRs. The operator will collect, treat and effectively dispose of the leachate in a manner approved by the LEA and the CRWQCB.	<u>Quarterly</u> (due 30 days after the 1st of January, April, July, and October)	LEA
Topographical map* showing all current fill locations.	<u>Annually</u> (due January 1st)	LEA
Topographical map* which indicates all cuts into native material from the previous year to the present date.		
* The above two maps shall be drawn to a scale no smaller than one inch = 200 feet unless otherwise approved by the LEA.		

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17. LEA Conditions:

A. Requirements:

1. This facility shall comply with all the State Standards for Solid Waste Handling and Disposal.
2. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to the Public Resources Code, Section 21031.6.
3. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to the Public Resources Code Section 21081.6.
4. Additional information concerning the design and operation of this facility shall be furnished on request of the Enforcement Agencies' personnel.
5. At the discretion of the LEA, the operator shall install landfill gas monitoring probes for the detection of gas migration in addition to any process required for any purpose by any other agency.
6. The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel.
7. The operator shall install and maintain signs at the entrance indicating that "no hazardous or liquid wastes are accepted".
8. The operator shall comply with the Waste Load Checking Program as described in Section 6.6 and Appendix G of the Report of Disposal Site Information document dated July 1993.
9. The operator shall comply with all conditions and requirements contained in the WDRs (Order No. 93-055).

B. Provisions:

1. Operational controls shall be established to preclude the receipt and disposal of volatile organic chemicals or other types of prohibited wastes. The operator shall comply with the approved Waste Load Checking Program as described in the RDSI dated July, 1993. Any changes in this program must be approved by the LEA prior to implementation. The following SWFP conditions supplement those conditions:
 - a. The minimum number of random waste loads to be inspected weekly at this landfill is three (3).
 - b. The number of random incoming loads to be inspected each day is determined by the LEA and shall be related to the permitted daily volume of refuse received by the facility. The LEA reserves the right to increase the required number of incoming waste load inspections.
 - c. Incidents of unlawful disposal of prohibited materials shall be reported to the LEA as described in the monitoring section of this permit. In addition, the following agencies shall be notified at once of any incidents of illegal hazardous materials disposal.
2. This facility must comply with all monitoring requirements established in the Regional Water Quality Control Board Order No. 93-055, "Waste Discharge Requirements". Should it be determined, in accordance with the provisions of 23 CCR, Chapter 15 of the California Code of Regulations, that the facility has caused groundwater contamination which cannot be immediately mitigated, then the operations may be required to cease until the appropriate mitigation measures are implemented. Should it be determined that the contamination cannot be mitigated then the facility may be required to permanently close.
3. This permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.
4. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.

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17. LEA Conditions:

B. Provisions (continued):

5. The operator shall maintain a log of special/unusual occurrences. This log shall include, but are not necessarily limited to:

Surface fires, underground fires, explosions, earthquakes, discharge of hazardous liquids or gases to the ground or the atmosphere, or significant injuries, accidents or property damage (including slope damage), and vehicle/equipment related accidents. Each of these log entries shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencies' personnel. Any of these specified entries made in this log must be immediately reported to the LEA.

6. The operator shall maintain, at the facility, accurate daily records of the weight and/or volume of refuse received. These records shall be available to the LEA's personnel and to the CTWMB's personnel and shall be maintained for a period of at least one year.

C. Specifications:

1. The operator shall notify the LEA, in writing, of any proposed significant changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of this permit.
2. This permit is not transferable; a change in the operator would require a new permit.
3. This permit supersedes all previous SWFPs for this site.